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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,094	02/08/2000	Russel D. Leatherman	2400-505	2120

27820 7590 08/25/2005

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EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

3624

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/500,094

Applicant(s)

LEATHERMAN ET AL.

Examiner

Thu Thao Haven

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-35 and 49-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-35 and 49-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Response to Amendment

Claims 29-35 and 49-58 are pending. This action is in response to the remarks received April 15, 2005.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

Applicant's arguments with respect to claims 29-35 and 49-58 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **29-35**, and **49-58** are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (US 5,717,374).

Re claims **29**, **49**, and **58**, Smith teaches a method of providing an interactive fueling operation (fig. 1a) comprising:

providing an interactive graphical user interface at a fueling position on a fuel dispenser (fig. 2a, element 30);

executing a web browser as a thin client on said interactive graphical user interface (fig. 9, element 52a);

displaying information to a customer at the graphical user interface in response to receipt of a markup language from a server spaced from the fuel dispenser, by delivery over a network (col. 11, line 31 to col. 12, line 29);

prompting the customer to select a service with the displayed information (col. 9, line 33 to col. 10, line 55);

receiving a response from the customer identifying a selected service to be provided by the server (fig. 2b); *in other words, in figure 2a the customer selects the service by entering the fueling information thus a response is received from the customer,*

transferring the response from the dispenser to the server over the network (fig. 9);
and

transmitting a service from the server over the network to the fueling position based on the customer response at the fueling position (fig. 9). *In other words, Smith discloses inputting messages such as advertisements, weather reports, road conditions, traffic conditions, etc. over the network in a display in related to fueling station.*

Re claims **30**, **50**, and **56-57**, Smith teaches delivery transfer and transmission are over the Internet (fig. 9, element 52a). In figure 9a, element illustrates a communication network. An Internet with a web browser is a type of communication network.

Re claims **31** and **51**, Smith teaches information displayed is advertising information (col. 9, lines 38-40).

Re claims **32** and **52**, Smith teaches information displayed is one of the group consisting of news, weather, sports, traffic updates and maps (col. 10, lines 19-55).

Re claims **33** and **53**, Smith teaches information displayed is merchandising information providing the customer an opportunity to select from one or more items displayed (col. 10, line 56 to col. 11, line 3).

Re claims **34** and **54**, Smith teaches information displayed is live video information of a person communicating with the customer to provide a video intercom (col. 6, lines 50 to col. 7, line 10). In other words, Smith discloses a video monitor corresponding to a video intercom as claimed.

Re claims **35** and **55**, Smith teaches using hypertext markup language and hypertext transfer protocol to carryout the steps of displaying, prompting, receiving, transferring and providing (figs 2a-4 and 6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH
8/12/2005

A handwritten signature in black ink, appearing to read "Vincent Millin".

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600